

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

Criminal No. 2:13-CR-00351

FARRUKH BAIG, ET AL

**PETITION OF SELECT PORTFOLIO SERVICING, INC. FOR ADJUDICATION  
OF INTEREST IN 5 FARMERS LANE, SAINT JAMES, NY**

Petitioner Select Portfolio Servicing, Inc. ("Petitioner"), as servicing agent and attorney-in-fact for U.S. Bank National Association, as trustee, successor in interest to Bank of America, National Association as trustee as successor by merger to LaSalle Bank, National Association as trustee for WaMu Mortgage Pass-Through Certificates Series 2007-HY1 "the "Trust"), hereby petitions the Court, pursuant to 21 U.S.C. § 853(n)(2), to recognize the Trust's first perfected security interest in certain real property known as 5 Farmers Lane, Saint James, NY ("Property"), and to grant a hearing to adjudicate and grant priority to Petitioner's legal interest in the Property. The nature and the extent of the Trust's right, title and interest in the Property and the time and circumstances of its acquisition of that right, title and interest are set forth in the Petition and supported by the attached exhibits as more fully set forth below:

1. Bushra Baig and Farrukh Baig ("Baig Defendants") executed a promissory note dated January 21, 2004 and in the principal sum of \$1,400,000.00 ("Note"). The Note was secured by a mortgage, dated January 21, 2004 and given by Baig Defendants, which encumbers the Property ("Mortgage"). The Mortgage was duly recorded with the Suffolk County Clerk's

Office on April 27, 2004, in Liber 20726 of Mortgages at Page 409. Copies of the Note and Mortgage are attached hereto as Exhibits A and B, respectively.

2. The Note and Mortgage were assigned to the Trust as is memorialized in an Assignment of Mortgage, dated December 4, 2013, and recorded with the Suffolk County Clerk's Office on February 11, 2014, in Liber 22456 of Mortgages at Page 209. A copy of the Assignment of Mortgage is attached hereto as Exhibit C.

3. Petitioner is the servicer and attorney in fact for the Trust with respect to the Note and Mortgage. A copy of Petitioner's Limited Power of Attorney is attached hereto as Exhibit D.

4. The nature and extent of the Petitioner's right, title and interest is that of servicer and attorney in fact for a first perfected lienholder of the Property.

5. As of December 15, 2015, the amount of \$1,386.096.34 remains due and owing under the terms of the Note and Mortgage. Baig Defendants are the subject of the within criminal action brought by the U.S. Government and the Baig Defendants consented to the forfeiture of certain assets<sup>1</sup>, which the U.S. Government now seeks to seize and foreclose upon in connection with the criminal action against the Baig Defendants. The Trust holds a first perfected security interest in the Property and desires to proceed with foreclosure of the Property.

WHEREFORE, Petitioner prays that this Court amend its Preliminary Order of Forfeiture entered in connection with 5 Farmers Lane, Saint James, NY, and enter an Order recognizing the Trust's first perfected security interest in the same.

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<sup>1</sup> While the Property was included in the Notice of Criminal Forfeiture attached to the Declaration of Publication, Docket No. 266, the Property was not listed as an asset to be forfeited in the Preliminary Order of Forfeiture for each Defendant. See Docket Nos. 226, 228. However, out of an abundance of caution to protect its rights, Petitioner moves for an adjudication as to its first perfected security interest in the Property.

I declare under penalty of perjury that the foregoing is true and correct.

12-22-15  
Date

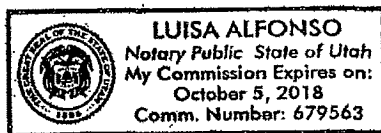
SELECT PORTFOLIO SERVICING, INC.

By: Sherry Benight

Printed Name: Sherry Benight

Title: Document Control Officer

Sworn to and subscribed before me this 22nd day of December, 2015.



Luisa Alfonso

Notary Public

My Commission Expires: 10/5/18

Dated: White Plains, New York  
December 29, 2015

/s/ Kenneth J. Flickinger  
Kenneth J. Flickinger [KJF 7414]  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
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SELECT PORTFOLIO SERVICING, INC.  
10 Bank Street, Suite 700  
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(914) 286-2812

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true and correct copies of the foregoing **PETITION OF SELECT PORTFOLIO SERVICING, INC. FOR ADJUDICATION OF INTEREST IN 5 FARMERS LANE, SAINT JAMES, NY** upon the persons listed below via the Court's CM/ECF system and via First Class U.S. Mail, postage prepaid, this 30<sup>th</sup> day of December, 2015:

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/s/ Kenneth J. Flickinger  
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